

Condensed Transcript  
Testimony of:

VIJAY SINGH RAJPUT, Ph.D., P.E.

Date: May 29, 2019

Anthony J. Pipito v. Lower Bucks County Joint Municipal  
Authority, et al.

No.: USDC E.D.PA 18-4885

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1	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA</p> <p>3 * * *</p> <p>4 ANTHONY PIPITO :</p> <p>5 v. :</p> <p>6 LOWER BUCKS COUNTY JOINT :</p> <p>7 MUNICIPAL AUTHORITY and :</p> <p>8 VIJAY RAJPUT : NO. 18-4885</p> <p>9 * * *</p> <p>10 May 29, 2019</p> <p>11 * * *</p> <p>12 Oral deposition of</p> <p>13 VIJAY SINGH RAJPUT, Ph.D., P.E.,</p> <p>14 held pursuant to Notice, in the offices of</p> <p>15 Weinstein Law Firm, LLC, 500 Office Center</p> <p>16 Drive, Suite 400, Fort Washington,</p> <p>17 Pennsylvania 19034, commencing at 11:37 a.m.,</p> <p>18 on the above date, before Hope Agosto, a</p> <p>19 Professional Court Reporter and a Notary</p> <p>20 Public.</p> <p>21 * * *</p> <p>22 R&amp;K REPORTING</p> <p>23 Court Reporting Services</p> <p>24 PO Box 1372</p> <p>Levittown, Pennsylvania 19058-1372</p> <p>Phone (215) 946-7009 Fax (215) 949-1867</p>	3
2	<p>1 * * *</p> <p>2 INDEX</p> <p>3 * * *</p> <p>4 WITNESS PAGE NO.</p> <p>5 VIJAY SINGH RAJPUT, Ph.D., P.E.</p> <p>6 By Mr. Weinstein 4</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 * * *</p> <p>13 EXHIBITS</p> <p>14 * * *</p> <p>15 NO. DESCRIPTION PAGE NO.</p> <p>16 (NONE)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	4
2	<p>1 A P P E A R A N C E S :</p> <p>2</p> <p>3 WEINSTEIN LAW FIRM, LLC</p> <p>4 BY: MARC E. WEINSTEIN, ESQUIRE</p> <p>5 500 Office Center Drive</p> <p>6 Suite 400</p> <p>7 Fort Washington, Pennsylvania 19034</p> <p>8 (267) 513-1942</p> <p>9 marc@meweinsteinlaw.com</p> <p>10 -- Counsel for the Plaintiff</p> <p>11</p> <p>12 MARKS, O'NEILL, O'BRIEN,</p> <p>13 DOHERTY &amp; KELLY</p> <p>14 BY: CECIL J. JONES, ESQUIRE</p> <p>15 1617 John F. Kennedy Boulevard</p> <p>16 Suite 1010</p> <p>17 Philadelphia, Pennsylvania 19103</p> <p>18 (215) 564-6688</p> <p>19 cjones@moodklaw.com</p> <p>20 -- Counsel for the Defendants</p> <p>21</p> <p>22 A L S O P R E S E N T :</p> <p>23 Anthony Pipito</p> <p>24 James A. Downey, III, Esquire</p>	<p>1 * * *</p> <p>2 (It is hereby stipulated and</p> <p>3 agreed by and between counsel for the</p> <p>4 respective parties that the sealing,</p> <p>5 filing and certification are waived; and</p> <p>6 that all objections, except as to the</p> <p>7 form of the question, be reserved until</p> <p>8 the time of trial.)</p> <p>9 * * *</p> <p>10 VIJAY SINGH RAJPUT, Ph.D., P.E.,</p> <p>11 after having been first duly sworn, was</p> <p>12 examined and testified as follows:</p> <p>13 * * *</p> <p>14 EXAMINATION</p> <p>15 * * *</p> <p>16 BY MR. WEINSTEIN:</p> <p>17 Q. Sir, state your full name for the</p> <p>18 record, please.</p> <p>19 A. My name is Vijay Singh Rajput.</p> <p>20 Q. Spell that for us, please.</p> <p>21 A. S-I-N-G-H, Singh Rajput.</p> <p>22 Q. And is that R-A-J-P-U-T?</p> <p>23 A. R-A-J-P-U-T.</p> <p>24</p>

<p style="text-align: right;">5</p> <p>1 MR. JONES: I'm going to give you</p> <p>2 the same instructions. You're going</p> <p>3 to definitely have to allow him to</p> <p>4 finish asking his question before you</p> <p>5 start to respond. I think the record</p> <p>6 is going to be tough otherwise.</p> <p>7 THE WITNESS: Okay.</p> <p>8 BY MR. WEINSTEIN:</p> <p>9 Q. Sir, your position with the Authority</p> <p>10 is managing director?</p> <p>11 A. Correct.</p> <p>12 Q. And do you have a contract for a</p> <p>13 particular number of years?</p> <p>14 A. Yes, I do.</p> <p>15 Q. How long does your present contract</p> <p>16 run?</p> <p>17 A. Next year.</p> <p>18 Q. Until 2020?</p> <p>19 A. Yes.</p> <p>20 Q. The Authority has a Board of</p> <p>21 Directors?</p> <p>22 A. Correct.</p> <p>23 Q. How many people are on the Board of</p> <p>24 Directors?</p>	<p style="text-align: right;">7</p> <p>1 Q. Yes, sir.</p> <p>2 A. Right now, Mr. Joe Glassen.</p> <p>3 Q. Is it S2A Technologies?</p> <p>4 A. Yes.</p> <p>5 Q. Did I say that right?</p> <p>6 A. S2A Technologies, Inc.</p> <p>7 Q. Is that incorporated in Pennsylvania?</p> <p>8 A. Correct.</p> <p>9 Q. Are you a shareholder?</p> <p>10 A. No.</p> <p>11 Q. Is your wife a shareholder?</p> <p>12 A. She's the one, yes.</p> <p>13 Q. Is she the only shareholder of the</p> <p>14 company?</p> <p>15 A. Correct.</p> <p>16 Q. And does the company have Articles of</p> <p>17 Incorporation, do you know?</p> <p>18 A. Yes.</p> <p>19 Q. And does the company have bylaws?</p> <p>20 A. I believe so. That's my wife, my</p> <p>21 wife's company so --</p> <p>22 Q. Are there employees of the company?</p> <p>23 A. Not that I know of.</p> <p>24 Q. Presently, does S2A Technologies have</p>
<p style="text-align: right;">6</p> <p>1 A. Six.</p> <p>2 Q. And those six are apportioned between</p> <p>3 two municipalities?</p> <p>4 A. Correct.</p> <p>5 Q. Those two municipalities are?</p> <p>6 A. Bristol Township and Tullytown</p> <p>7 Borough.</p> <p>8 Q. Sir, you live in Langhorne; is that</p> <p>9 right?</p> <p>10 A. Correct.</p> <p>11 Q. Your residential address?</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 Q. And your wife's name?</p> <p>15 A. Saroj Rajput.</p> <p>16 Q. Spell that, please.</p> <p>17 A. S-A-R-O-J.</p> <p>18 Q. Sir, am I right that Bristol Township</p> <p>19 appoints three to the board and Tullytown</p> <p>20 Borough appoints three to the board?</p> <p>21 A. Correct.</p> <p>22 Q. Who is the president of the board, if</p> <p>23 anyone?</p> <p>24 A. Right now?</p>	<p style="text-align: right;">8</p> <p>1 any agreements or contracts with the Authority?</p> <p>2 A. No.</p> <p>3 Q. And at what periods of time, if any,</p> <p>4 did the company, S2A Technologies, have</p> <p>5 contracts or agreements with the Authority?</p> <p>6 A. To the best of my knowledge, it never</p> <p>7 had any contract with Authority.</p> <p>8 Q. Has the Authority ever paid any money</p> <p>9 to S2A Technologies?</p> <p>10 A. Yes.</p> <p>11 Q. And during what period of time?</p> <p>12 A. That's depend when the student take</p> <p>13 the classes, so at that time, you know,</p> <p>14 whatever the fees is, then Authority pays for</p> <p>15 students who take the class.</p> <p>16 Q. When's the last time there have been</p> <p>17 classes provided by S2A Technologies at the</p> <p>18 Authority?</p> <p>19 A. I don't remember. Maybe sometime</p> <p>20 once a year, sometimes twice a year. I don't</p> <p>21 remember exactly when was the last. I think it</p> <p>22 was during last year, if I can remember</p> <p>23 correctly. I don't remember exactly.</p> <p>24 Q. Do you do the teaching for the</p>

<p style="text-align: right;">9</p> <p>1 <b>company?</b></p> <p>2 A. Yes, I do the teaching.</p> <p>3 <b>Q. When I say teaching for the company,</b></p> <p>4 <b>I mean teaching for S2A?</b></p> <p>5 A. As instructor, actually, I consult</p> <p>6 S2A as an instructor. Because, you know, the</p> <p>7 company is approved by the DEP to provide</p> <p>8 certified courses, courses to the operators,</p> <p>9 and I'm the qualified instructor.</p> <p>10 MR. JONES: Just make sure to</p> <p>11 answer his questions. He'll get to</p> <p>12 where you're going.</p> <p>13 BY MR. WEINSTEIN:</p> <p>14 <b>Q. And courses to what operators, you</b></p> <p>15 <b>mean wastewater operators?</b></p> <p>16 A. Both, water and wastewater.</p> <p>17 <b>Q. The DEP has certified the company?</b></p> <p>18 A. Yes, me as instructor. I'm the</p> <p>19 instructor, yeah.</p> <p>20 <b>Q. You're certified as an instructor?</b></p> <p>21 A. Qualified, yeah.</p> <p>22 <b>Q. Qualified as an instructor by DEP?</b></p> <p>23 A. Correct.</p> <p>24 <b>Q. And sir, does your wife have any</b></p>	<p style="text-align: right;">11</p> <p>1 A. No.</p> <p>2 <b>Q. -- to do any of the teaching?</b></p> <p>3 A. No, I don't get paid.</p> <p>4 <b>Q. And S2A Technologies gets paid by the</b></p> <p>5 <b>Authority for putting on these courses?</b></p> <p>6 A. Those who take the courses.</p> <p>7 Sometimes they may take courses, sometimes they</p> <p>8 not take courses. So any students who takes</p> <p>9 the courses, then whatever the fees is, the</p> <p>10 Authority pays.</p> <p>11 <b>Q. So the Authority does pay money to</b></p> <p>12 <b>S2A directly?</b></p> <p>13 A. Correct.</p> <p>14 <b>Q. And are those payments authorized at</b></p> <p>15 <b>each board meeting or at a particular board</b></p> <p>16 <b>meeting every year?</b></p> <p>17 MR. JONES: Objection to form.</p> <p>18 THE WITNESS: Yeah, they are</p> <p>19 authorized. I mean, they have to be</p> <p>20 approved by the board as a part of</p> <p>21 the payment.</p> <p>22 BY MR. WEINSTEIN:</p> <p>23 <b>Q. Where do you provide the instruction?</b></p> <p>24 A. Yeah, we have been providing the</p>
<p style="text-align: right;">10</p> <p>1 <b>certifications or education in this field of</b></p> <p>2 <b>water and wastewater operations?</b></p> <p>3 MR. JONES: Objection to form.</p> <p>4 THE WITNESS: She has</p> <p>5 undergraduate and master degree.</p> <p>6 BY MR. WEINSTEIN:</p> <p>7 <b>Q. In what?</b></p> <p>8 A. She has biology undergraduate and</p> <p>9 also Bachelor of Education. Then she has a</p> <p>10 master's in hydrobiology and botany.</p> <p>11 <b>Q. Is she employed anywhere?</b></p> <p>12 A. She's not employed currently.</p> <p>13 <b>Q. When's the last time she has been</b></p> <p>14 <b>employed?</b></p> <p>15 A. She had her own business. Also, she</p> <p>16 used to have a store.</p> <p>17 <b>Q. What kind of store was it?</b></p> <p>18 A. It was like convenient store, check</p> <p>19 cashing.</p> <p>20 <b>Q. A check cashing store?</b></p> <p>21 A. Check cashing convenient type of</p> <p>22 store.</p> <p>23 <b>Q. Do you get paid by S2A</b></p> <p>24 <b>Technologies --</b></p>	<p style="text-align: right;">12</p> <p>1 instruction there all 15 years at the</p> <p>2 Authority's water plant. They have a</p> <p>3 (unintelligible) so that has been used ever</p> <p>4 since.</p> <p>5 <b>Q. This has been going on for about 15</b></p> <p>6 <b>years, if I heard you right?</b></p> <p>7 A. Approximately over 15 years.</p> <p>8 <b>Q. And if you look at calendar year</b></p> <p>9 <b>2018, what was the total payments made --</b></p> <p>10 A. I don't know.</p> <p>11 <b>Q. -- to S2A Technologies from the</b></p> <p>12 <b>Authority?</b></p> <p>13 MR. JONES: Dr. Rajput, you need</p> <p>14 to slow down, let him finish his</p> <p>15 question and then give your response.</p> <p>16 Okay?</p> <p>17 THE WITNESS: Sorry.</p> <p>18 Can you repeat the question?</p> <p>19 BY MR. WEINSTEIN:</p> <p>20 <b>Q. For 2018, the total payments from the</b></p> <p>21 <b>Authority to S2A Technologies?</b></p> <p>22 A. I don't know.</p> <p>23 MR. JONES: What was the</p> <p>24 question? Can you rephrase the</p>

<p style="text-align: right;">13</p> <p>1 question? He interjected with an 2 answer. What were you asking? 3 BY MR. WEINSTEIN: 4 <b>Q. For 2018, total payments made from</b> 5 <b>the Authority to S2A Technologies?</b> 6 MR. JONES: Are you able to tell 7 him? 8 THE WITNESS: No, I don't know. 9 MR. JONES: Just let him finish 10 asking his question. Because you 11 don't know what he's going to ask. 12 He might say something completely 13 different at the end. You want to 14 make sure you're being responsive. 15 BY MR. WEINSTEIN: 16 <b>Q. Does S2A Technologies provide</b> 17 <b>training or courses to people outside of the</b> 18 <b>Authority?</b> 19 A. Yes, whoever want to take the 20 courses, you know. 21 <b>Q. In 2018, for example, did you do any</b> 22 <b>teaching anywhere aside from the Authority?</b> 23 A. No, not that I remember. 24 <b>Q. Let's move on. Let me show you a</b></p>	<p style="text-align: right;">15</p> <p>1 <b>Q. Did you have any assistance in</b> 2 <b>preparing this memo?</b> 3 MR. JONES: Objection to form. 4 THE WITNESS: No, I prepare and I 5 went and gave to it Mr. Downing to 6 review it before I gave it to him. 7 BY MR. WEINSTEIN: 8 <b>Q. Did you give it to anyone else to</b> 9 <b>look at for their input aside from Mr. Downey?</b> 10 A. It might have been my secretary to 11 proof it; my secretaries or my staff people I 12 might have given to proof it. 13 <b>Q. And who would that have been?</b> 14 A. That might have been Colleen Dunn. I 15 don't remember how many -- this is a while 16 back, but it's in our practice in the office to 17 give to it my secretaries or whoever it is in 18 the staff to review and proof it. 19 <b>Q. Is Colleen Dunn your secretary?</b> 20 A. No, she's the finance manager. 21 <b>Q. Do you have a secretary?</b> 22 A. Yes. 23 <b>Q. Who is that?</b> 24 A. I have a couple of them. Basically,</p>
<p style="text-align: right;">14</p> <p>1 <b>document that has been marked earlier in this</b> 2 <b>case. The document is stamped LBCJMA 5. It</b> 3 <b>was introduced into Mr. Pipito's deposition as</b> 4 <b>Pipito-11.</b> 5 <b>Do you have that in front of you,</b> 6 <b>sir?</b> 7 A. Yes, sir. 8 <b>Q. Tell me when you have had a chance to</b> 9 <b>take a look at it.</b> 10 A. Yeah. 11 <b>Q. Sir, did you prepare this memo?</b> 12 A. Yes. 13 <b>Q. And did you physically give it to</b> 14 <b>Mr. Pipito?</b> 15 A. I -- I put -- 16 MR. JONES: Objection. 17 THE WITNESS: I put in it 18 interoffice mail. 19 BY MR. WEINSTEIN: 20 <b>Q. So you didn't physically hand it to</b> 21 <b>him; you put it into the interoffice mail?</b> 22 A. Yeah, not that I recall. 23 <b>Q. You're not sure?</b> 24 A. I don't recall giving him.</p>	<p style="text-align: right;">16</p> <p>1 Authority is like, we have -- all of them are 2 my secretaries in a way because I'm the 3 managing director so everybody reports to me. 4 MR. JONES: Just try to answer 5 his question. He wants to know who 6 are your other secretaries? Can you 7 identify any of those other people? 8 THE WITNESS: Yeah, Debbie Magro. 9 She's administration and then 10 Jennifer Smythe is the front office. 11 MR. JONES: How do you spell 12 Debbie's last name? 13 THE WITNESS: Magro, M-A-G-R-O. 14 BY MR. WEINSTEIN: 15 <b>Q. For this memo, did you type it up</b> 16 <b>yourself?</b> 17 A. Yes. 18 <b>Q. And did you write it out by hand</b> 19 <b>first?</b> 20 A. No, I type it up. 21 <b>Q. Were there any prior versions of this</b> 22 <b>memo?</b> 23 A. This is the one I have. 24 <b>Q. Any prior versions that you wrote up</b></p>

<p style="text-align: right;">17</p> <p>1 first that later became this final one?</p> <p>2 A. I don't understand your question,</p> <p>3 what you're trying to ask me.</p> <p>4 Q. Were there any earlier drafts of this</p> <p>5 document LBCJMA 5 that you wrote up before this</p> <p>6 one which you signed?</p> <p>7 A. No, I work on the computer, so that's</p> <p>8 the one, my working copy, as well as my final</p> <p>9 copy.</p> <p>10 Q. After you submitted your working copy</p> <p>11 to Mr. Downey, did you make any changes to it?</p> <p>12 A. No, not after Mr. Downey tells okay,</p> <p>13 then I gave it to him.</p> <p>14 Q. So you didn't make any changes to it</p> <p>15 based on what Mr. Downey told you?</p> <p>16 A. I don't understand what you're</p> <p>17 asking.</p> <p>18 Q. There were no changes that Mr. Downey</p> <p>19 had you make to this document?</p> <p>20 A. Yeah, I sent it to Mr. Downey for the</p> <p>21 review, and he told that it's fine, and as soon</p> <p>22 as he send me it's fine, I sent it to -- I gave</p> <p>23 it to him.</p> <p>24 Q. What about after you sent to it</p>	<p style="text-align: right;">19</p> <p>1 A. Correct.</p> <p>2 Q. I understand that.</p> <p>3 A. Uh-huh.</p> <p>4 Q. My question to you is, did you talk</p> <p>5 with Mr. Downey by telephone as well about the</p> <p>6 memo?</p> <p>7 A. I might have. I mean, I don't keep</p> <p>8 the notes when I talk to him. He's solicitor,</p> <p>9 so I always -- when there's an issue, I always</p> <p>10 talk to him. So it is possible that I might</p> <p>11 have talked to him on the phone but I don't</p> <p>12 have any recall telling when I talked to him.</p> <p>13 Q. So you have no recollection one way</p> <p>14 or the other as to whether you spoke with Mr.</p> <p>15 Downey about the memo --</p> <p>16 A. Yeah, I don't --</p> <p>17 Q. -- before it being issued?</p> <p>18 A. Yeah, I don't remember, you know,</p> <p>19 that I talked to him or not. But it's possible</p> <p>20 that I might have talked to him also on the</p> <p>21 phone that I'm sending you the memo for you to</p> <p>22 review, follow up with the email.</p> <p>23 MR. JONES: I just want to make a</p> <p>24 statement for the record regarding</p>
<p style="text-align: right;">18</p> <p>1 anyone else, did anyone else come back with you</p> <p>2 with changes to the memo?</p> <p>3 A. Not that I recall.</p> <p>4 Q. So the way you originally drafted it</p> <p>5 is the way it went to Pipito?</p> <p>6 A. Yeah. I might have worked it up</p> <p>7 myself, you know, the copy when you are trying</p> <p>8 to finalize, I work on it and work on it. This</p> <p>9 is the final product.</p> <p>10 Q. Prior to you issuing this memo, did</p> <p>11 you have any phone calls with Mr. Downey?</p> <p>12 A. Not that I recall. I might have told</p> <p>13 him I'm sending the memo, but I don't recall</p> <p>14 talking to him on the phone. I sent him the</p> <p>15 email.</p> <p>16 MR. JONES: Can you clarify,</p> <p>17 you're talking about phone calls</p> <p>18 regarding the memo?</p> <p>19 BY MR. WEINSTEIN:</p> <p>20 Q. Yes. I understand from your</p> <p>21 testimony that you emailed the draft of the</p> <p>22 memo --</p> <p>23 A. Uh-huh.</p> <p>24 Q. -- over to Mr. Downey?</p>	<p style="text-align: right;">20</p> <p>1 privilege just so it's clear.</p> <p>2 Mr. Weinstein and I spoke</p> <p>3 regarding otherwise privileged</p> <p>4 communications between Dr. Rajput and</p> <p>5 the Authority with Mr. Downey as the</p> <p>6 Authority's solicitor and that we</p> <p>7 came to an agreement for purposes of</p> <p>8 this deposition that communications</p> <p>9 directly related to Mr. Downey's</p> <p>10 review and approval or any</p> <p>11 involvement in preparing the memo</p> <p>12 could be subject to discovery because</p> <p>13 the Authority is taking the position</p> <p>14 that that is evidence in support of</p> <p>15 their defense and qualified immunity.</p> <p>16 However, we are maintaining any</p> <p>17 objections to any other privileged</p> <p>18 communications that may have taken</p> <p>19 place between the Authority, Dr.</p> <p>20 Rajput and Attorney Downey not</p> <p>21 relating to that topic and do not</p> <p>22 waive privilege with regard to those</p> <p>23 matters.</p> <p>24 BY MR. WEINSTEIN:</p>

<p style="text-align: right;">21</p> <p>1       <b>Q. Sir, do you normally keep notes of</b>  2       <b>telephone calls with Mr. Downey?</b>  3       A. No.  4       <b>Q. Do you know whether Colleen Dunn</b>  5       <b>maintains any notes regarding phone calls with</b>  6       <b>Mr. Downey?</b>  7       A. I don't know.  8       <b>Q. Do you know whether anyone at the</b>  9       <b>Authority maintains notes --</b>  10      A. I don't know.  11      <b>Q. -- pertaining to discussions with</b>  12      <b>Mr. Downey?</b>  13      A. I don't know.  14      <b>Q. When you were writing this memo, did</b>  15      <b>you have any concerns as to whether it might</b>  16      <b>restrict Mr. Pipito's right to speak?</b>  17              MR. JONES: Objection to form.  18              THE WITNESS: No.  19      BY MR. WEINSTEIN:  20      <b>Q. Did you consider including anything</b>  21      <b>in this memo stating that it only applies to</b>  22      <b>workplace communications?</b>  23              MR. JONES: Objection to the  24              form.</p>	<p style="text-align: right;">23</p> <p>1              THE WITNESS: But it says that on  2              the paragraph. So if you read that,  3              sir, you know clearly that it is when  4              on the Authority's premises, it's  5              clearly defined.  6      BY MR. WEINSTEIN:  7      <b>Q. Did you say that in number 2?</b>  8              MR. JONES: Objection to form.  9              THE WITNESS: It is defined in  10             the first paragraph. I don't have to  11             write in each time if it's already  12             cleared defined on the first  13             sentence.  14      BY MR. WEINSTEIN:  15      <b>Q. Did Mr. Downey suggest to you that</b>  16      <b>you include within the Authority's premises for</b>  17      <b>number 1 and number 6?</b>  18              MR. JONES: Objection to the  19              form.  20              THE WITNESS: As I clearly  21              mentioned that I wrote the memo and I  22              send Mr. Downey to review it. He  23              reviewed it and he approved it and  24              sent it back to me.</p>
<p style="text-align: right;">22</p> <p>1              THE WITNESS: It is. It's  2              clearly written in the paragraph that  3              the time within the Authority's  4              premises. You can read it very  5              clearly. The Authority -- it is  6              responsibility of Authority to  7              provide a safe harassment-free and  8              nonhostile work environment to all  9              its employees at all the times within  10             the Authority's premises, premises.  11      BY MR. WEINSTEIN:  12      <b>Q. When you look at number 1, that first</b>  13      <b>directive, does it say anywhere that it is</b>  14      <b>confined to Authority premises?</b>  15              MR. JONES: Objection to the  16              form.  17              THE WITNESS: It is clearly  18              indicated, I mention on the top  19              paragraph. It's dealing with the  20              Authority's premises, employees  21              within the Authority's premises.  22      BY MR. WEINSTEIN:  23      <b>Q. Does it say that in number 1?</b>  24              MR. JONES: Objection to form.</p>	<p style="text-align: right;">24</p> <p>1      BY MR. WEINSTEIN:  2      <b>Q. Now, at some point there was a</b>  3      <b>grievance meeting about this memo, correct?</b>  4      A. Correct.  5      <b>Q. And you were there for that?</b>  6      A. Yes.  7      <b>Q. And who else was there for that?</b>  8      A. There -- I have to go back and look  9      at the minutes of the meeting, but as I recall,  10     Mr. Downey was there, myself, Ms. Colleen Dunn,  11     Mike Andrews, Mr. Anthony Pipito, his union  12     rep, Ron, also his union representative, Paul  13     Butler. That's all I recall.  14     <b>Q. Did you make any notations after that</b>  15     <b>meeting or during that meeting about what was</b>  16     <b>said?</b>  17     A. No, I had asked Colleen to make the  18     notes. She made the notes.  19     <b>Q. And did you ever see those notes?</b>  20     A. Yeah, it's there, actually, in this  21     -- she type it up and then give it to me.  22     <b>Q. You saw those notes?</b>  23     A. Yes.  24     <b>Q. And at any point in that grievance</b></p>

<p style="text-align: right;">25</p> <p>1 <b>meeting did you tell Mr. Pipito that the</b>  2 <b>restrictions in 1 through 6 only apply to the</b>  3 <b>Authority premises?</b>  4 A. That discussion -- there was a lot of  5 discussions going on in that meeting but it was  6 clearly understood that it is applies only  7 within the Authority's premises.  8 <b>Q. My question to you was, at any time</b>  9 <b>in that meeting did you make it clear to</b>  10 <b>Mr. Pipito that number 1 through 6, those</b>  11 <b>restrictions, only apply to communications on</b>  12 <b>the Authority premises?</b>  13 MR. JONES: Objection to form.  14 Asked and answered.  15 THE WITNESS: I don't recall  16 asking any questions on that, so if  17 he didn't ask the questions or union  18 didn't ask the questions, then  19 probably I didn't responded. I  20 thought it was understood clearly  21 from the memo.  22 BY MR. WEINSTEIN:  23 <b>Q. Take a look at number 6, present any</b>  24 <b>WWTP personnel human resource concerns directly</b></p>	<p style="text-align: right;">27</p> <p>1 asked and answered.  2 THE WITNESS: You have to ask  3 him.  4 BY MR. WEINSTEIN:  5 <b>Q. He's not here so I have got to ask</b>  6 <b>you.</b>  7 A. Okay.  8 <b>Q. Do you know whether he has any</b>  9 <b>background or training in the field of human</b>  10 <b>resources?</b>  11 MR. JONES: Objection to form.  12 If you understand.  13 THE WITNESS: I don't understand  14 what he's trying to ask me, so I  15 don't understand your question.  16 BY MR. WEINSTEIN:  17 <b>Q. If you look at number 6.</b>  18 A. I looked at.  19 <b>Q. You wrote present any WWTP personnel</b>  20 <b>human resource concerns --</b>  21 A. Yeah, that meant --  22 MR. JONES: Hold on, let him  23 finish asking his question.  24 BY MR. WEINSTEIN:</p>
<p style="text-align: right;">26</p> <p>1 <b>to Michael Andrews, PE, WWTP manager.</b>  2 <b>Do you see that?</b>  3 A. Correct, yes.  4 <b>Q. Do you know whether Mike Andrews has</b>  5 <b>any background or training in human resources?</b>  6 MR. JONES: Objection to form.  7 THE WITNESS: I don't understand  8 what question is this. What that has  9 to do with human resources?  10 MR. JONES: If you don't  11 understand his question, ask him to  12 rephrase it.  13 THE WITNESS: I don't understand  14 your question, what you're trying to  15 ask.  16 MR. JONES: This isn't a  17 discussion. He's going to ask the  18 question. Just tell him you don't  19 understand.  20 BY MR. WEINSTEIN:  21 <b>Q. Do you know whether Michael Andrews</b>  22 <b>has any background or training in the area of</b>  23 <b>human resources?</b>  24 MR. JONES: Objection to form,</p>	<p style="text-align: right;">28</p> <p>1 <b>Q. What do you mean by human resource</b>  2 <b>concerns?</b>  3 A. Now I understand. What I meant is  4 there by personnel issues, if you have any  5 personnel issues like vacations, sick times or  6 any issues that you need regarding the plant,  7 then you contact him because he is -- he is  8 immediate supervisor; he's the plant manager  9 for the wastewater plant.  10 <b>Q. Do you consider concerns of</b>  11 <b>discrimination to be a personnel concern?</b>  12 MR. JONES: Objection to form.  13 THE WITNESS: Say again. I don't  14 understand your questions.  15 BY MR. WEINSTEIN:  16 <b>Q. Do you consider concerns of</b>  17 <b>discrimination to be a personnel concern?</b>  18 MR. JONES: Objection to form.  19 THE WITNESS: I don't understand  20 your questions, what you're trying to  21 ask me.  22 BY MR. WEINSTEIN:  23 <b>Q. Do you know what a discrimination</b>  24 <b>complaint is?</b></p>




<p style="text-align: right;">29</p> <p>1 MR. JONES: Objection to form.</p> <p>2 THE WITNESS: Yeah,</p> <p>3 discrimination complaints, yeah,</p> <p>4 discrimination complaint, yes.</p> <p>5 BY MR. WEINSTEIN:</p> <p>6 <b>Q. And what's your understanding of what</b></p> <p>7 <b>a discrimination complaint is?</b></p> <p>8 MR. JONES: Can you be clear</p> <p>9 about discrimination with regard to</p> <p>10 what? Because there are many</p> <p>11 different types.</p> <p>12 MR. WEINSTEIN: He said he</p> <p>13 understood it, so that's why I want</p> <p>14 to know.</p> <p>15 THE WITNESS: I understand</p> <p>16 discrimination but I don't know what</p> <p>17 you're trying to ask me. I know the</p> <p>18 word discrimination.</p> <p>19 BY MR. WEINSTEIN:</p> <p>20 <b>Q. And you know what a discrimination</b></p> <p>21 <b>complaint is?</b></p> <p>22 MR. JONES: Objection to form.</p> <p>23 THE WITNESS: I don't understand</p> <p>24 your question, so I don't know -- you</p>	<p style="text-align: right;">31</p> <p>1 <b>Q. And did you ever tell Mr. Pipito what</b></p> <p>2 <b>you meant by that in number 6?</b></p> <p>3 MR. JONES: Objection to form.</p> <p>4 THE WITNESS: He didn't ask me so</p> <p>5 there was no reason for me to tell</p> <p>6 him. If he didn't ask me, how can I</p> <p>7 tell him?</p> <p>8 BY MR. WEINSTEIN:</p> <p>9 <b>Q. Do you know whether the operators who</b></p> <p>10 <b>do training with S2A Technologies or do their</b></p> <p>11 <b>education with S2A Technologies, do they have</b></p> <p>12 <b>the option of going elsewhere?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. And if an employee was concerned that</b></p> <p>15 <b>they were being forced to use your wife's</b></p> <p>16 <b>company for education, if that employee</b></p> <p>17 <b>complained to the newspaper as opposed to going</b></p> <p>18 <b>to Michael Andrews, would that violate number</b></p> <p>19 <b>6?</b></p> <p>20 MR. JONES: Objection to form.</p> <p>21 THE WITNESS: No, he can go to</p> <p>22 anywhere.</p> <p>23 BY MR. WEINSTEIN:</p> <p>24 <b>Q. Did you ever make that clear to</b></p>
<p style="text-align: right;">30</p> <p>1 got to define what you mean by</p> <p>2 discrimination, what you're trying to</p> <p>3 ask discrimination there.</p> <p>4 BY MR. WEINSTEIN:</p> <p>5 <b>Q. Would a report of racial</b></p> <p>6 <b>discrimination on the job, would you consider</b></p> <p>7 <b>that to be a personnel concern?</b></p> <p>8 MR. JONES: Objection to form.</p> <p>9 THE WITNESS: No, I wouldn't</p> <p>10 consider that.</p> <p>11 BY MR. WEINSTEIN:</p> <p>12 <b>Q. Would you consider a report of racial</b></p> <p>13 <b>discrimination to be a human resource concern?</b></p> <p>14 MR. JONES: Objection to form.</p> <p>15 THE WITNESS: That's different</p> <p>16 issues. Like I defined you, what I</p> <p>17 understand here by human resources</p> <p>18 means any personal issues that you</p> <p>19 have in the plant like sick times,</p> <p>20 vacation times or anything to be</p> <p>21 operation of the plant within the</p> <p>22 plant, you know, that is what I meant</p> <p>23 there by human resources.</p> <p>24 BY MR. WEINSTEIN:</p>	<p style="text-align: right;">32</p> <p>1 <b>Mr. Pipito or anybody else that they --</b></p> <p>2 A. Again, Mr. Weinstein --</p> <p>3 MR. JONES: Hold on. Let him</p> <p>4 finish his question.</p> <p>5 THE WITNESS: Sorry.</p> <p>6 BY MR. WEINSTEIN:</p> <p>7 <b>Q. In your discussions with Mr. Pipito</b></p> <p>8 <b>about this July 26, 2018 memo, did you tell him</b></p> <p>9 <b>that he's still allowed to talk to the</b></p> <p>10 <b>newspapers?</b></p> <p>11 A. Mr. Weinstein, Mr. Pipito have never</p> <p>12 asked me any of these questions. If he would</p> <p>13 have ask him, then I would have clarified. But</p> <p>14 he never asked me any of these explanations of</p> <p>15 what I mean.</p> <p>16 <b>Q. Let's take a look, let me show you,</b></p> <p>17 <b>it is seven pages of emails.</b></p> <p>18 A. Okay.</p> <p>19 <b>Q. I'll identify them for the record</b></p> <p>20 <b>because I don't typically attach exhibits to</b></p> <p>21 <b>depositions. It's LBCJMA memo emails 1 through</b></p> <p>22 <b>7. Take a look, please, and tell me whether</b></p> <p>23 <b>you have 1 through 7.</b></p> <p>24 A. Yeah, I do have 1 through 7.</p>

<p style="text-align: right;">33</p> <p>1       <b>Q. So let's start at Page 1. On Page 1</b>  2       <b>it's emails between you and Colleen Dunn?</b>  3       A. Correct.  4       <b>Q. And this was the day before the memo</b>  5       <b>was signed, correct?</b>  6       A. Uh-huh.  7       <b>Q. Yes?</b>  8       A. Yes, that's what I see from this  9       email.  10       <b>Q. Actually, you wrote to her on July</b>  11       <b>24th, do you see the bottom of the first page?</b>  12       A. Oh, okay.  13       <b>Q. So you wrote to her, and, again, this</b>  14       <b>is on Page 1 of these emails, Colleen, here is</b>  15       <b>a draft copy for your review and editing.</b>  16       <b>Please free to add/delete. Thanks, Vijay.</b>  17       <b>Do you see that?</b>  18       A. Correct.  19       <b>Q. So that's the document you were</b>  20       <b>referring to that you prepared yourself?</b>  21       A. Yes.  22       <b>Q. And do you have a copy of that draft</b>  23       <b>or is that the exact same as the July 26th,</b>  24       <b>2018 memo that you signed?</b></p>	<p style="text-align: right;">35</p> <p>1       <b>revised draft of the memo?</b>  2       A. It's possible but we did discuss. We  3       might have come back and, you know, discussed  4       the memo with me, uh-huh.  5       <b>Q. And where is the draft that --</b>  6       A. I don't have --  7       MR. JONES: Let him finish his  8       question. I know you're trying to  9       anticipate where he's going.  10       BY MR. WEINSTEIN:  11       <b>Q. You remember that she sent you back a</b>  12       <b>marked-up draft?</b>  13       A. I don't remember if she sent me  14       marked up but she send me email comments. I  15       don't remember. You know, I mean, I have to go  16       back and check. It's so many one year backs,  17       you know, almost like one year back.  18       <b>Q. It's less than a year back.</b>  19       A. Yeah, year back but so many emails  20       goes through.  21       <b>Q. Stop right there, please. Let me</b>  22       <b>just make sure I understand you. You don't</b>  23       <b>know whether you have a copy of that draft that</b>  24       <b>she sent back to you?</b></p>
<p style="text-align: right;">34</p> <p>1       A. Say it again. Can I hear your  2       question again, please?  3       <b>Q. Yes. You see on the first page of</b>  4       <b>these emails.</b>  5       A. Right.  6       <b>Q. That you attached a document to that</b>  7       <b>email with Colleen?</b>  8       A. Right, correct.  9       <b>Q. Do you know whether that email draft</b>  10       <b>that you sent to Colleen Dunn is the same as</b>  11       <b>the email that you signed on the 26th?</b>  12       MR. JONES: The memo.  13       THE WITNESS: Yeah that's the  14       memo, yes.  15       BY MR. WEINSTEIN:  16       <b>Q. Same thing?</b>  17       A. Yeah, I wrote it and I sent to her  18       for the proof, as you can see.  19       <b>Q. Now, she wrote here on July 25th,</b>  20       <b>Vijay, as you can see, I have a few</b>  21       <b>suggestions. My only other concern is a should</b>  22       <b>we add something pertaining to discipline. Can</b>  23       <b>we discuss today?</b>  24       <b>So did she send you a draft back or</b></p>	<p style="text-align: right;">36</p> <p>1       A. No, I don't remember if I have a copy  2       of the draft.  3       <b>Q. And if you were going to look for it,</b>  4       <b>where would you look for it?</b>  5       A. I don't know.  6       <b>Q. You don't know where you would look</b>  7       <b>for it?</b>  8       A. Yeah, I don't know. Because the  9       email I sent the memo and she sent it back. If  10       she sent it back, then I just work on the same  11       memo because that's what I sent to proof. So  12       if there's anything, it would be the same memo  13       that you have in front of you.  14       <b>Q. And have you deleted any of your</b>  15       <b>emails since July 25th, 2018?</b>  16       MR. JONES: Objection to form.  17       THE WITNESS: I don't remember.  18       BY MR. WEINSTEIN:  19       <b>Q. You don't remember?</b>  20       A. Yeah, because so many junk comes and  21       then, you know, I do delete when there's a lot  22       of junks, so I do delete it.  23       MR. WEINSTEIN: I'm going ask on  24       the record that Counsel confer with</p>

<p style="text-align: right;">37</p> <p>1 Dr. Rajput and see if whatever was 2 sent back from Colleen Dunn to Dr. 3 Rajput on July 25th at 7:38 in the 4 morning be looked for. 5 MR. JONES: Sure. Just for the 6 record, I don't see an attachment to 7 her email, but for simplicity sake, I 8 will go back and double check to see, 9 within the Authority's files, if 10 there are any other drafts of the 11 July 26th, 2018 memo that have not 12 been previously produced. 13 MR. WEINSTEIN: Yes, and I ask 14 that Counsel confer with Colleen Dunn 15 before her deposition -- 16 MR. JONES: Sure. 17 MR. WEINSTEIN: -- to see if she 18 has the independent or singular email 19 that she sent back to see if there 20 was an attachment. 21 MR. JONES: Sure, and I have 22 previously conferred with Ms. Dunn as 23 far as whether she had any notes or 24 anything like that. I didn't</p>	<p style="text-align: right;">39</p> <p>1 the wastewater plant. 2 <b>Q. Phillip Smythe and Jennifer Smythe,</b> 3 <b>are they related?</b> 4 A. Yes. 5 <b>Q. How so?</b> 6 A. Husband and wife. 7 <b>Q. And did Jennifer Smythe respond to</b> 8 <b>you when you wrote, Jennifer, could you please</b> 9 <b>review it, on email number 3?</b> 10 A. I have to check, but generally, I 11 send her for the proofing, like, English, 12 English language or grammatical editing. She's 13 my secretary. 14 <b>Q. So you say you have to check?</b> 15 A. Yeah, if she sent me back anything on 16 that. 17 MR. WEINSTEIN: I'd ask that 18 Counsel confirm with Dr. Rajput to 19 see if anything came back from 20 Jennifer Smythe. 21 BY MR. WEINSTEIN: 22 <b>Q. Let's keep going. Number 4,</b> 23 <b>Thursday, July 26th, 2018, this is the day you</b> 24 <b>actually signed the memo, correct?</b></p>
<p style="text-align: right;">38</p> <p>1 specifically ask her about these 2 particular emails, but I will do 3 that. 4 MR. WEINSTEIN: Thank you. 5 BY MR. WEINSTEIN: 6 <b>Q. Let's keep going sir. Number 2, you</b> 7 <b>sent a draft of the memo to Michael Andrews,</b> 8 <b>correct?</b> 9 A. Correct. 10 <b>Q. Did he ever get back to you with any</b> 11 <b>comments?</b> 12 A. No, I do not remember that he got 13 back to me. 14 <b>Q. Let's go to number 3. On July 25th,</b> 15 <b>which was the day after you sent to it Dunn and</b> 16 <b>Andrews, you sent it to Jennifer Smythe and</b> 17 <b>Phillip Smythe.</b> 18 <b>Who is Jennifer Smythe?</b> 19 A. She's my secretary at the sewer plant 20 office. 21 <b>Q. And Phillip Smythe?</b> 22 A. He is a field tech. 23 <b>Q. A field tech?</b> 24 A. Yeah, he's one of the supervisors at</p>	<p style="text-align: right;">40</p> <p>1 A. Correct. 2 <b>Q. So on that morning, you emailed Mr.</b> 3 <b>Downey, correct?</b> 4 A. Yes. 5 <b>Q. And he is the solicitor of the</b> 6 <b>Authority, yes?</b> 7 A. Correct. 8 <b>Q. Prior to your email to Mr. Downey at</b> 9 <b>10:24 in the morning, had you discussed with</b> 10 <b>him the fact that you were preparing the memo?</b> 11 A. He was aware that, you know, I'm 12 preparing the memo. 13 <b>Q. When did you first tell him about it</b> 14 <b>or when did he first find out, if you know?</b> 15 A. I don't know exactly, but it was 16 presented to all the complaints that I see. 17 Generally, I discuss at the board meeting, and 18 then at the board meeting, it was discussed 19 that, you know, I need to address this, prepare 20 the memo and it has to be reviewed by 21 Mr. Downey, he's being solicitor, before I send 22 it out. 23 <b>Q. Before you issued this July 26th,</b> 24 <b>2018 memo to Mr. Pipito, you reviewed with it</b></p>

<p style="text-align: right;">41</p> <p>1 <b>the board?</b></p> <p>2 A. No, I didn't review the memo, but I</p> <p>3 presented at executive session to the board</p> <p>4 that the complaint filed against Mr. Pipito,</p> <p>5 harassment and all those charges, and at that</p> <p>6 point it was discussed, you know, like,</p> <p>7 basically, that we need to address these</p> <p>8 complaints.</p> <p>9 MR. JONES: I want to object just</p> <p>10 to the extent that he can disclose</p> <p>11 communications regarding the</p> <p>12 preparation and approval of the memo.</p> <p>13 Anything else that was discussed in</p> <p>14 the executive session with counsel</p> <p>15 present, I'd ask you not to inform</p> <p>16 Counsel. We're maintaining that as</p> <p>17 privileged.</p> <p>18 MR. WEINSTEIN: Right. What I'd</p> <p>19 ask that if Counsel would confer with</p> <p>20 the Authority to see if there are any</p> <p>21 minutes or notes from that executive</p> <p>22 session that simply pertain to the</p> <p>23 memo. Obviously, things beyond that,</p> <p>24 we agreed are privileged.</p>	<p style="text-align: right;">43</p> <p>1 A. Correct.</p> <p>2 <b>Q. And then four minutes later, he wrote</b></p> <p>3 <b>back to you?</b></p> <p>4 A. Yes, that's what you can see from the</p> <p>5 email.</p> <p>6 <b>Q. Pretty prompt?</b></p> <p>7 A. He is prompt.</p> <p>8 MR. JONES: Objection to form.</p> <p>9 BY MR. WEINSTEIN:</p> <p>10 <b>Q. And in those four minutes, you didn't</b></p> <p>11 <b>have any discussions with Mr. Downey?</b></p> <p>12 A. Not that I recall.</p> <p>13 <b>Q. If you go to the number 6, Page email</b></p> <p>14 <b>6, LBCJMA memo email 006, that's a string with</b></p> <p>15 <b>Mr. Downey, August 30th, 2018.</b></p> <p>16 A. Yes, I see that.</p> <p>17 <b>Q. And this pertained to the grievance</b></p> <p>18 <b>meeting that was coming up?</b></p> <p>19 A. That's right, yes.</p> <p>20 MR. JONES: I'm going to object</p> <p>21 to the extent this might have been</p> <p>22 inadvertently included, because I had</p> <p>23 asked my client to provide with us</p> <p>24 communications that were pertaining</p>
<p style="text-align: right;">42</p> <p>1 BY MR. WEINSTEIN:</p> <p>2 <b>Q. How many times was the issue of the</b></p> <p>3 <b>memo brought up in executive session prior to</b></p> <p>4 <b>it being issued?</b></p> <p>5 A. The board was not presented with the</p> <p>6 memo. The board didn't see the memo.</p> <p>7 <b>Q. I understand that. But the issue of</b></p> <p>8 <b>preparing a memo to address what was being</b></p> <p>9 <b>reported to you?</b></p> <p>10 A. As I can remember, one time.</p> <p>11 <b>Q. Compared to July 26, when would that</b></p> <p>12 <b>have been?</b></p> <p>13 A. I don't recall. It might have been</p> <p>14 previous meeting.</p> <p>15 <b>Q. When does the Authority board</b></p> <p>16 <b>typically meet?</b></p> <p>17 A. Generally, fourth Thursday of each</p> <p>18 month, generally, unless there's a change.</p> <p>19 <b>Q. Let's go back to those emails, Page 4</b></p> <p>20 <b>dated July 26, 2018. Do you see that?</b></p> <p>21 A. Correct, yes.</p> <p>22 <b>Q. So then you then on July 26 at 10:24</b></p> <p>23 <b>a.m. sent a draft of the harassment memo to</b></p> <p>24 <b>Mr. Downey?</b></p>	<p style="text-align: right;">44</p> <p>1 to the memo. So we're not waiving</p> <p>2 any privileged communications</p> <p>3 regarding the union grievance meeting</p> <p>4 that was held on September 6th to the</p> <p>5 extent it doesn't relate specifically</p> <p>6 to the memo.</p> <p>7 BY MR. WEINSTEIN:</p> <p>8 <b>Q. So the grievance meeting was</b></p> <p>9 <b>September 6th, 2018?</b></p> <p>10 A. I have to check the date. I don't</p> <p>11 remember offhand.</p> <p>12 <b>Q. Sir, as the managing director, do you</b></p> <p>13 <b>prepare and file a statement of financial</b></p> <p>14 <b>interest every year?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. And where does that get filed at?</b></p> <p>17 A. At the Authority office.</p> <p>18 <b>Q. And have you ever reported on any of</b></p> <p>19 <b>those statements of financial interests any of</b></p> <p>20 <b>your wife's company's income from the</b></p> <p>21 <b>Authority?</b></p> <p>22 A. I report that I work as instructor,</p> <p>23 but I don't report the money in that sense,</p> <p>24 because I don't get any money from the S2A. So</p>

<p style="text-align: right;">45</p> <p>1 I report that, yes, I do provide instructor or 2 consulting services to S2A. 3 <b>Q. Do you report the payments to your 4 wife's company on that statement of financial 5 interest?</b> 6 MR. JONES: Objection to form. 7 THE WITNESS: There are no column 8 for reporting. I do report that I 9 provide -- I provide the services to 10 S2A Technology. 11 BY MR. WEINSTEIN: 12 <b>Q. I understand that you report on there 13 that you do consulting for S2A Technologies.</b> 14 A. Correct. 15 <b>Q. I understand that, and I understand 16 that you don't get paid from S2A Technologies, 17 right?</b> 18 A. Right. 19 <b>Q. My question is a little different. 20 My question is, do you report on there the 21 money that the S2A Technologies gets from the 22 Authority?</b> 23 MR. JONES: Objection to form. 24 THE WITNESS: There's no column</p>	
<p style="text-align: right;">46</p> <p>1 there to report. It's not my 2 company. 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED]</p>	<p>8 BY MR. WEINSTEIN: 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 A. Yes. 13 <b>Q. Let me show you the next set of 14 papers. This is a set of four pages stamped 15 LBCJMA 839, 840, 841, 842. Do you have four 16 papers in front of you?</b> 17 A. Yes, sir. 18 <b>Q. Let's deal with the first page, 19 LBCJMA 839. Did you prepare this memo?</b> 20 A. Yes, I did. 21 <b>Q. Did you type it yourself?</b> 22 A. Yes. 23 <b>Q. Were there any prior drafts from the 24 one that is presently in front of us as 839?</b></p>

<p style="text-align: right;">49</p> <p>1 A. No, I generally use the computer.  2 You know, I might have a note when I prepare  3 originally but I discard the note once I put it  4 in the computer.  5 <b>Q. Same questions for the next page,  6 840, you typed this up yourself?</b>  7 A. Yes.  8 <b>Q. And did you type it up on or about  9 June 16th, 2018?</b>  10 A. Yeah, most likely.  11 <b>Q. No prior drafts?</b>  12 A. No. I might have handwritten notes,  13 you know, like before I put it in my computer.  14 Once I put in it computer, then I don't keep  15 those handwritten. That way I have it correct  16 in my computer.  17 <b>Q. Let's go to the next page, 841.</b>  18 A. (Witness complies with request.)  19 <b>Q. July 17th, 2018, you made this note?</b>  20 A. Yes, sir.  21 <b>Q. You wrote in the second sentence  22 there, I told Lenny the Authority is in the  23 process of addressing the issue and consulting  24 with the Authority's solicitor.</b></p>	<p style="text-align: right;">51</p> <p>1 <b>consulting with the Authority's solicitor?</b>  2 A. Yeah.  3 <b>Q. My question to you is, what kind of  4 consultation was already underway as of July  5 17th, 2018?</b>  6 MR. JONES: Objection to form.  7 THE WITNESS: That's not what it  8 meant. Process means that we are  9 going to discuss with Mr. Downey, so  10 there's no ongoing process. I just  11 addressing to Mr. Lenny. It's not  12 like a memo. It's a note that I keep  13 it that Lenny called me on this date  14 and asked me what the Authority is  15 doing regarding his complaint, and I  16 responded to him that we -- I have to  17 consult with Mr. Downey and, you  18 know, address it.  19 BY MR. WEINSTEIN:  20 <b>Q. You're saying as of July 17th, you  21 had not yet consulted with the Authority's  22 solicitor regarding Pipito issues?</b>  23 MR. JONES: Objection to form.  24 THE WITNESS: As to how to</p>
<p style="text-align: right;">50</p> <p>1 A. Correct.  2 <b>Q. So we have already talked about the  3 July 24th, 25th, 26th emails.</b>  4 A. Uh-huh.  5 <b>Q. So I'm not going to go back into  6 those. But were there any emails that you  7 exchanged around July 17th or before with  8 Mr. Downey?</b>  9 A. I do not recall sending him any email  10 in that regard.  11 <b>Q. So what did you mean that the  12 Authority is consulting the Authority's  13 solicitor regarding the Pipito issues, as  14 you've described it?</b>  15 A. I think that's self-explanatory.  16 Because he called me and he wanted to know what  17 is happening to his complaint that he's filed,  18 what the Authority is addressing -- how the  19 Authority is addressing. So I told him it is  20 kind of a legal issues in this and I need to  21 consult with Mr. Downey and, you know, go from  22 there.  23 <b>Q. It says in the memo that you wrote  24 that the Authority was in the process of</b></p>	<p style="text-align: right;">52</p> <p>1 address it.  2 BY MR. WEINSTEIN:  3 <b>Q. As to how to address it.</b>  4 MR. JONES: Did you understand  5 his question.  6 THE WITNESS: I don't know, I  7 don't know what he's trying to ask  8 me.  9 MR. JONES: Can you restate your  10 question?  11 BY MR. WEINSTEIN:  12 <b>Q. As of July 17th, 2018, you had not  13 yet consulted with Mr. Downey about the Pipito  14 complaints?</b>  15 MR. JONES: Objection to form.  16 THE WITNESS: Yeah, I -- I might  17 have talked to him, you know, like,  18 during the process but not about the  19 memo itself. I don't recall talking  20 to him about the memo. I might have  21 discussed with him or let him know  22 that there's a complaint from -- you  23 know, this complaint.  24 BY MR. WEINSTEIN:</p>

<p style="text-align: right;">53</p> <p>1       <b>Q. Got it. And the next page, 842,</b>  2       <b>March 30th, 2019, so that was two months ago?</b>  3       A. Right.  4       <b>Q. You wrote here, on Saturday, March</b>  5       <b>30th, 2019, Lenny Rodak called me and informed</b>  6       <b>me that Walt Appleton is very disturbed, offset</b>  7       <b>and worried because Anthony Pipito came in on</b>  8       <b>overtime to work with him, on his (Walt's)</b>  9       <b>shift.</b>  10       <b>Do you work on Saturdays?</b>  11       A. I'm 24 hour call so I'm at home.  12       <b>Q. So you called you at home on a</b>  13       <b>Saturday?</b>  14       A. Yeah, my cell phone. I have a phone.  15       <b>Q. Rodak called you on a Saturday about</b>  16       <b>Appleton's complaint?</b>  17       A. Yes.  18       <b>Q. And the complaint was that Pipito</b>  19       <b>came in and worked overtime?</b>  20       MR. JONES: Objection to the  21       form.  22       BY MR. WEINSTEIN:  23       <b>Q. With Appleton?</b>  24       A. That's what it clearly says in my</p>	<p style="text-align: right;">55</p> <p>1       THE WITNESS: I agree, yes, he is  2       entitled to work overtime.  3       R. WEINSTEIN: Give me two  4       minutes. Then we'll be done.  5       * * *  6       (Whereupon, a brief recess was  7       held at this time.)  8       * * *  9       MR. WEINSTEIN: I have no further  10       questions of the witness. He is free  11       to go.  12       * * *  13       (Witness excused.)  14       * * *  15       (Deposition concluded at  16       12:35 p.m.)  17       * * *</p>
<p style="text-align: right;">54</p> <p>1       notes. I kept a note. I want to clarify this  2       is not a memo. These are my notes when  3       somebody calls or something that, you know, I  4       wrote it down.  5       <b>Q. So you would agree with me that</b>  6       <b>there's nothing wrong with Pipito working</b>  7       <b>overtime?</b>  8       MR. JONES: Objection to form.  9       THE WITNESS: I am not agreeing  10       with you. What do you want me to  11       answer? What is your question?  12       BY MR. WEINSTEIN:  13       <b>Q. Would you agree with me --</b>  14       A. No, I don't agree.  15       <b>Q. Let me finish the question. I</b>  16       <b>realize you may habitually not want to agree</b>  17       <b>with me, but let me this question.</b>  18       A. Nothing to do with habitual.  19       MR. JONES: Let him ask.  20       BY MR. WEINSTEIN:  21       <b>Q. Would you agree with me that Mr.</b>  22       <b>Pipito is entitled to work overtime like any</b>  23       <b>other operator?</b>  24       MR. JONES: Objection to form.</p>	<p style="text-align: right;">56</p> <p>1       * * *  2       C E R T I F I C A T I O N  3       * * *  4  5       I, Hope Agosto, Professional Court  6       Reporter and Notary Public for the Commonwealth  7       of Pennsylvania, do hereby certify the  8       foregoing to be a true and accurate transcript  9       of my original stenographic notes taken at the  10       time and place hereinbefore set forth.  11  12  13  14       _____  15       Hope Agosto  16       Court Reporter  17       Notary Public  18  19  20       (The foregoing certification of this  21       transcript does not apply to any reproduction  22       of the same by any means, unless under direct  23       control and/or supervision of the certifying  24       reporter.)</p>

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1 Pipito v. LBCJMA, et al.

2 May 29, 2019 Hope Agosto, PCR

3 ACKNOWLEDGEMENT OF DEPONENT

4

5 I, VIJAY SINGH RAJPUT, Ph.D., P.E., do  
 6 hereby certify that I have read the foregoing  
 7 pages and that the same is a correct  
 8 transcription of the answers given by me to the  
 9 questions therein propounded, except for the  
 10 corrections or changes in form or substance,  
 11 if any, noted in the attached errata sheet.

12

13 \_\_\_\_\_  
 14 VIJAY S. RAJPUT, Ph.D., P.E. DATE

15 ERRATA SHEET

16 PAGE LINE CHANGE

17 \_\_\_\_\_

18 REASON \_\_\_\_\_

19 \_\_\_\_\_

20 REASON \_\_\_\_\_

21 \_\_\_\_\_

22 REASON \_\_\_\_\_

23 \_\_\_\_\_

24 REASON \_\_\_\_\_